

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Kiyoaki TAKIGUCHI) Group Art Unit: 3768
)
Application No.: 10/569,953) Examiner: Nicholas Lane EVOY
)
Filed: February 28, 2006) Confirmation No.: 3086
)
For: MEASURING APPARATUS AND ITS)
METHOD)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Sir:

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicant brings to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the Supplementary European Search Report. Copies of the listed foreign patent and non-patent literature documents are attached. Applicant respectfully requests that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement includes a statement as specified by Section 1.97(e).

The following constitutes the statement specified by 37 C.F.R. § 1.97(e). Each document listed in this Information Disclosure Statement was first cited in a communication from the European Patent Office in the PCT international application, from which this national phase U.S. application is derived, and this Information

Disclosure Statement is being filed within three months of the mailing date of that communication.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 7, 2009

By: /David W. Hill/
David W. Hill
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Enclosures
DWH/FPD/tlm